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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,859	04/10/2001	Umesh Amin	12177/28302	6957
23838	7590	05/25/2005	EXAMINER	
KENYON & KENYON 1 BROADWAY NEW YORK, NY 10004			NGUYEN, LEE	
		ART UNIT		PAPER NUMBER
				2682

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

W/J

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b>	09/828,859	
<b>Examiner</b>	<b>Applicant(s)</b>	AMIN ET AL.
LEE NGUYEN	Art Unit	2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attachment.
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13.  Other: \_\_\_\_\_.

LEE NGUYEN  
Primary Examiner  
Art Unit: 2682

## ADVISORY ACTION

In the remarks, Applicant argues that: Heo never teaches or suggests providing power to the radio communication circuit 40 disclosed therein from the telephone line L disclosed therein. To the contrary, a careful reading of Heo clearly shows that if the power supply of the radio communication circuit fails, the radio communication circuit becomes inoperable, and a wire telephone is then used instead of the radio communication circuit. See, e.g., col. 3, lines 49-63:

"In this case, a low state signal is applied to the voltage sensing terminal Pd2 of the main controller 60 and a supply voltage is not supplied to the radio communication circuit 40 ... Accordingly, the line controller 10, the MOH generator 20, the telephone circuit 30, the hold off sensor 50 and the main controller 60 continue their operations, while the radio communication circuit does not continue operation ..."

(Emphasis added.) The loss of power to the radio communication unit is sensed and

therefore the wire telephone is engaged in its place:

"If the power is off while engaged in the call, the main controller 60 senses

power-oft holds on the telephone line L and turns on the MOH generator to generate the MOH ... The user continues the call by hooking off the wire telephone (i.e., taking the wire telephone off the hook."

See Heo at col. 3, line 68 to col. 4, line 11 .

In view of the foregoing, Heo simply does not disclose "land-based public switched telephone network to provide power to the communications unit in the event of power outage" as alleged by the Examiner.

In response, the examiner respectfully disagrees. There are two power supplies that supply voltage to the radio telephone of Heo. The first supply voltage Vcc1 comes from the AC jack 72. The second supply voltage Vcc2 generated from switching system (col. 3, lines 28-34). The first supply voltage Vcc1 is used during normal radio communication (col. 4, lines 58-63). However, if this first supply voltage Vcc1 fails to provide power due to power failure (col. 4, 60-65), the second supply voltage Vcc2 is used as the operating voltage (col. 5, 3-5). Therefore, Heo does disclose "land-based public switched telephone network to provide power to the communications unit in the event of power outage".

Applicant further argues that the Examiner even seems to concede that the foregoing is true, in the "Response to Arguments" section of the Office Action. Here, the Examiner "agrees that Heo does not teach supplying a normal operation power through a second communication network to a device that communicates through the first communication network." The Applicant respectfully submits that in view of this, Heo clearly cannot support the applied rejection.

In response, the examiner believes that Applicant disregard the combination of Tam and Heo references in which the above the combination does teach such limitation. Second, the examiner also believes that this limitation is not claimed.

Applicant further disagrees that there is "absolutely no link," etc as argued by the examiner. At least one link exists in that the communication unit needs operating power to communicate, and uses the operating power to communicate via the first network. In any event, it is not believed that there is any authority of record on which to base the assertion that "the wireline network still reads on the claimed normal operating power". If the Examiner

is of a different opinion, the Examiner is respectfully requested to cite such authority.

In response, Applicant is requested to point out in independent claims 1, 7, 14, 18, 39, 44 and 50 that at least one link exists in that the communication unit needs operating power to communicate, and uses the operating power to communicate via the first network. The examiner has found that none of these independent claims claim providing power from the second network to the engaging communications between the first communication network and the communication unit.

From the above, the rejection should be maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (571)-272-7854. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) -272-7848.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/18/05  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682